

EXHIBIT 2

FILED
San Francisco County Superior Court

AUG 11 2017

CLERK OF THE COURT

BY: *Jose Gonzales* Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

JANE DOE,

Plaintiff,

v.

UBER TECHNOLOGIES, INC., a Delaware
Corporation, RASIER, LLC, a Delaware
Limited Liability Company and DOES I-V,
Inclusive Defendants

Defendants.

Case No. CGC-17-556481

[Complaint Filed: 01/17/2017]

**~~PROPOSED~~ ORDER GRANTING
DEFENDANTS UBER TECHNOLOGIES,
INC.'S AND RASIER, LLC'S MOTION
TO DISMISS OR IN THE
ALTERNATIVE, STAY THE CASE
BASED ON FORUM NON CONVENIENS**

Date: August 11, 2017

Time: 9:30 a.m.

Dept: 302

Judge: Hon. Harold E. Kahn

Reservation No. 06090804-01

Trial Date: None Set

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that on August 11, 2017 at 9:30 a.m. in Department 302 of this Court, Defendants UBER TECHNOLOGIES, INC.'s and RASIER, LLC's motion for an order dismissing the case based on forum non conveniens or in the alternative, staying the case came on regularly for hearing. All appearances are noted in the record.

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1 After considering the motion and supporting documents and argument by counsel, the
2 Court issues the following ruling.

3 DEFENDANT UBER TECHNOLOGIES, INC., RASIER, LLC's Motion For Support To
4 Dismiss Or In The Alternative, Stay The Case Based On Forum Non Conveniens ~~Defendants Uber~~
5 ~~Technologies, Inc. and Rasier, LLC's motion to dismiss for forum non conveniens~~ is **GRANTED**. JPM

6 Michigan is a suitable alternative forum because defendants are subject to a Michigan court's
7 jurisdiction and none of plaintiff Jane Doe's claims would be barred by the statute of limitations.
8 Plaintiff's argument that Michigan is not a suitable forum because of the recently enacted
9 legislation limiting the circumstances in which transportation network companies like Uber are
10 deemed employers of their drivers lacks merit. "[S]o long as there is jurisdiction and no statute of
11 limitations bar, a forum is suitable where an action can be brought, although not necessarily won."
12 (*Shiley, Inc. v. Superior Court* (1992) 4 Cal.App.4th 126, 132 (internal quotation omitted).) "[A]
13 showing that recovery would be more difficult or even impossible in a foreign forum does not
14 demonstrate that the alternative forum is inadequate." (*Id.* at 133 (internal quotation omitted).) Nor
15 does the "no remedy at all" exception apply because this case does not present one of those rare
16 circumstances where the alternative forum lacks an "independent judiciary or due process of law."
17 (*Id.* at 134.) The private and public interest factors weigh in favor of this case being venued in
18 Michigan rather than California. As to the private interest factors, the incident occurred in
19 Michigan, plaintiff and the Uber driver reside in Michigan, and most or all of the potential
20 witnesses and documentary evidence are in Michigan. Defendants would likely not be able to
21 compel out-of-state witnesses to appear in a California proceeding, which would likely hinder their
22 defense. Defendants' corporate witnesses with knowledge of Uber's Michigan operations are
23 located in Chicago, Illinois, not San Francisco. As to the public interest factors, California has only
24 a minimal interest in adjudicating an incident that occurred between Michigan residents and
25 involves Uber's compliance with Michigan rules. Michigan has a much greater interest in resolving
26 a dispute involving Michigan residents and the way Uber operates in Michigan. Dismissal of the
27 case, rather than a stay, is warranted because plaintiff has no connection with California.
28 (*Henderson v. Superior Court* (1978) 77 Cal.App.3d 583, 598.)

1 IT IS SO ORDERED.

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3 DATED:

8/11/17



Hon. Judge Harold E. Kahn

JUDGE OF THE SUPERIOR COURT

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28 CGC-17-556481 JANE DOE vs. UBER TECH., INC., ET AL.